

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEVIN GORDON,

Plaintiff,

v.

THOMAS LICARDELLO, et. al.,

Defendants.

CIVIL ACTION
NO. 19-3761

ORDER

AND NOW, this 25th day of July 2024, upon consideration of Plaintiff's Complaint (ECF No. 1), Defendants' Motion to Dismiss (ECF No. 34), Plaintiff's Reply (ECF No. 36) and after hearing oral argument (ECF No. 40), it is hereby **ORDERED** that the motion is **GRANTED** in part and **DENIED** in part:

1. Defendants' motion is **DENIED** as to Count I.
2. Count II is **DISMISSED** without prejudice. Plaintiff may file an amended complaint, consistent with the reasons discussed during oral argument and the accompanying Memorandum, by August 9, 2024.
3. Counts III, IV, V and VI are **DISMISSED** with prejudice. Count VII was withdrawn during oral argument. *See* (July 19, 2024 Hr'g Tr. 37:5-17).

BY THE COURT:

/s/ Gerald J. Pappert
Gerald J. Pappert, J.